

Tuesday, February 05, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Consent Agenda – Review and Approval:**

**1-12.** This is the time set for consideration of the Consent Agenda.

**Chairperson Teixeira:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 12 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Administrative Office Items:**

**1.** Request to approve: 1) acceptance of \$255,910 from the Federal Fiscal Year 2012 Homeland Security Grant Program; 2) related budget adjustments; and 3) an amendment to the fixed asset list of the Sheriff’s Department.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

**2.** Submittal of a resolution honoring the city of Atascadero on its Centennial Anniversary.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-13A, adopted.**

**3.** Submittal of a resolution honoring Joe Schwartz on his centennial birthday.

**Mr. Eric Greening and Dr. C. Hite:** speak.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-14, adopted.**

**Consent Agenda - Planning & Building Items:**

**4.** Request to approve a contract with Southern California Gas Company to implement the Energy Watch Partnership Program in calendar years 2013 and 2014 in an amount of \$82,000. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**5.** Request to approve an agreement with the City of San Luis Obispo to specify lead and responsible agency for the purpose of certifying the Chevron Tank Farm Remediation and Development Project Environmental Impact Report. District 3.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

6. Submittal of a resolution amending the Position Allocation List for Fund Center 405 - Public Works Internal Service Fund of the Hydraulic Operations Administrator to the Program Manager Position.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-15, adopted.**

7. Submittal of a resolution authorizing water conservation program costs from the Los Osos Wastewater Project to be designated as matching funds for WaterSMART grants within the Los Osos Groundwater Basin. District 2.

**Ms. Julie Tacker, Mr. Jeff Edwards and Ms. Linde Owen: speak.**

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-16, adopted.**

8. Submittal of a resolution to accept offers of dedication to provide for public use of existing drainage basin easements within Tract 2261, located at Tefft Street and Ida Place in the community of Nipomo. District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-17, adopted.**

9. Request to approve Amendment No. 1 to extend the term of the contract set to expire February 7, 2013 for no later than April 8, 2013 the contract for professional land surveying services with JoAnn Head Land Surveying. The survey is for perpetuating subdivision boundaries and survey monuments in the community of Oceano. District 4.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

10. Request to approve committee appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Sheriff - Coroner Items:**

11. Request to approve a contract with Insight Public Sector in the amount of \$78,013 for the purchase of personnel scheduling software.

**This item is amended by correcting the agenda transmittal and staff report to replace all references to the vendor name "Insight Public Sector" with "Visual Computer Solutions, Inc." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - Social Services Items:**

12. Submittal of a resolution amending the Fund Center 180 - Department of Social Services Position Allocation List to add 2.0 FTE Employment Resource Specialist I/II/III positions to accommodate the transition of the Healthy Families Program to the County; and request to authorize an associated budget adjustment in the amount of \$208,091.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-18, adopted.**

**Public Comment Period:**

13. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Mr. Ben DiFatta:** comments on the Los Osos Wastewater Project (LOWWP).

**Ms. Julie Tacker:** requests an investigation on the relationship between Supervisor Gibson and his Legislative Assistant; the funding the County provides to the Community Action Partnership of San Luis Obispo (CAPSLO); and the LOWWP.

**Mr. Eric Greening:** comments on an upcoming hearing regarding amending/replacing County Code Chapter 8.13 regarding Land Application of Treated Sewage Sludge/Biosolids.

**Dr. C. Hite:** presents and discusses a video of gas line ruptures in Philadelphia and Los Osos.

**Mr. Dane Senser:** addresses the need for restrictions on allowing services dogs on County transportation buses.

**Ms. Elsa Dawson and Mr. Tom Dawson:** speaks to climate changes, sustainable development and smart growth.

**Ms. Linde Owen:** comments on the relationships between the Public Works Director and a Los Osos Community Services District (LOCSD) Board Member and Supervisor Gibson and his legislative Assistant; and the LOWWP.

**Mr. Jeff Edwards:** addresses concerns regarding participation in the American Ground Water Trust & Association of Ground Water Agencies Annual Conference on January 11, 2013.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** suggests the Board hold study sessions and highlights various topics for discussion.

**Ms. Andrea Seastrand:** comments on the recent appointment of Supervisor Gibson to the California State Association of Counties (CSAC); and addresses concerns regarding the approval of the 2013 State Legislative Program at the upcoming San Luis Obispo Council of Governments (SLOCOG) meeting. **No action taken.**

#### **Board Business:**

14. Submittal of the County's 2012 Annual Report.

**Ms. Penny Burciaga – Administration Office:** provides an overview of the annual report.

**Chairperson Teixeira:** opens the floor to public comment without response.

The Board receives the 2012 Annual Report. **No action taken.**

15. Submittal of a resolution increasing the Real Estate Prosecution Fraud fee from \$3 to \$7. This increase would provide for an approximate increase in annual revenue of \$183,880.

**(This item is amended, as indicated on the Addendum to the Agenda, by replacing the resolution to add a title. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

**Mr. Gerald Shea – District Attorney and Mr. Bob Davis – Real Estate Broker and Real Estate Scam and Fraud Exposure (RESAFE) Board Member:** speak.

**Chairperson Teixeira:** opens the floor to public comment without response.

**Supervisor Arnold:** recommends adding a sunset clause, with Ms. Rita Neal - County Counsel, responding.

**The Board amends the resolution by adding a new paragraph after the last paragraph to read: "Prior to February 14, 2018, the Board of Supervisors may revisit the amount of the fee and have the**

**option to revise fee amount in light of total revenues in the Real Estate Fraud Trust. Should the Board not take action prior to February 14, 2018, the fee will return to \$3.00." Furthermore, RESOLUTION NO. 2013-20, a resolution authorizing an increase of fees collected on real estate instruments to be directed to the Real Estate Prosecution Trust Fund, adopted as amended.**

**Motion by:** Frank Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

16. The Board announces they will be going into Closed Session regarding:  
  
I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:  
  
A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Nipomo Parks Conservancy v. County of San Luis Obispo; 2. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo; 3. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 4. In re Los Osos Community Services District (Bankruptcy).  
  
B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.  
  
II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: 7. Property Description: APN 076-231-062; Parties with Whom Negotiating: San Miguelito Partners, a California Limited Partnership; Instructions to Negotiator: Price, Terms and Conditions.  
  
III. PERSONNEL (Gov. Code, § 54957.)  
A. It is the intention of the Board to meet in closed session to: 8. Consider Public Employee Appointment for the Position of Director of Building/Planning.

**Chairperson Teixeira:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

17. Submittal of a resolution proclaiming February 2013 as "Grand Jury Awareness Month" in San Luis Obispo County.  
  
**Mr. Ed Kreins - Grand Jury Foreperson and Mr. Jim Ragans - Former Grand Juror's Association Outgoing President:** speak.

**RESOLUTION NO. 2013-21, a resolution proclaiming February 2013 as “Grand Jury Awareness Month” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

18. Submittal of a resolution proclaiming February 2013 as "National Meat Month" in San Luis Obispo County.

Ms. Ann Cochrane – San Luis Obispo San Luis Obispo County Cattlewomen’s Association: speaks.

RESOLUTION NO. 2013-22, a resolution proclaiming February 2013 as “National Meat Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham  
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

19. Submittal of a resolution proclaiming February 2013 as "American Heart Month" in San Luis Obispo County.

Ms. Penny Borenstein – Public Health Officer and Mr. Larry Allen – Air Pollution Control District Officer: speak.

RESOLUTION NO. 2013-23, a resolution proclaiming February 2013 as “American Heart Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham  
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

20. Hearing to consider an appeal by Rick Quinn, Opolo Vineyards of the Planning Commission’s approval of a Conditional Use Permit to allow a three phased expansion of an existing winery (Opolo Winery) located in the Agriculture land use category at 7110 Vineyard Drive west of the City of Paso Robles, in the Adelaida planning area. District 1.

Mr. Matt Janssen – Planning and Building: states most of the issues have been resolved since the Planning Commissions’ decision except for few a minor issues regarding the main gate relocation and the amplified music cut off time. Further, recommends the Board partially uphold the Appeal, modify the Planning Commission’s decision and adopt the mitigated negative declaration.

Chairperson Teixeira: opens the floor to public comment.

Ms. Jamie Kirk, representing Mr. Rick Quinn - Opolo Vineyards: speaks.

Mr. Quinn: provides closing statements.

The Board amends the resolution to reflect that the appeal is partially upheld; amends Exhibit A: Findings by: adding a new Finding B. to read: “B. Changes have made to the project since the mitigated negative declaration was published that relate to an alternative secondary access route that will avoid impacts to biological, cultural, and other resources. The project changes do not require the mitigated negative declaration to be substantially revised or recirculated because they will not result in any new, avoidable, significant environmental impacts and no new mitigation measures or project revisions are required to reduce any potential impacts to a level of insignificance.”; changing subsequent Findings to read: Findings C. through H.; and adding a new Finding I. to read: “I. Amplified music may be allowed after 5:00 p.m. because the Sound Level Assessment conducted on the site concluded that sound levels from amplified music and activities at all property lines were estimated at 49dB which is less than 65dB.”; and amends Exhibit B: Conditions of Approval by: amending Condition No. 1.d. to remove the words “20 limited to 150 attendees and 5 limited to”; removing Condition No. 1.e. that reads: “All events including special, wine industry wide, and unadvertised are limited to 150 attendees at the upper Phase II site.”; changing subsequent Conditions to read 1.e through 1.h.; replacing Condition No. 1.f. (formerly 1.g.) to read: “Development of a secondary access through the adjacent 63 acre parcel (Parcel 1 PM 52-97) per Roberts Engineering, Conceptual Road Plan.”; amending Condition No. 1.h. (formerly 1.i.) to replace “5:00 p.m.” with “10:00 p.m.”; replacing Condition No. 46 to read: “Prior to Phase I occupancy or final inspection or holding a special event, the applicant shall construct a secondary access road through the adjacent 63 acre parcel (Parcel 1 PM 52-97) per Roberts Engineering, Conceptual Road Plan. The applicant shall secure an Encroachment Permit from the Department of Public Works and construct secondary driveway approach at the location evaluated in the January 24, 2013 OEG letter report (on file with Public Works) and in accordance with County Public Improvement Standard B-1a (rural driveway).”; replacing Condition No. 48 to read: “Prior to Phase I occupancy or final inspection, all existing or new gates constructed on a driveway where project vehicles exceed 50 feet in length, shall be setback a minimum of 75-feet from the traveled way of any road open to public or provide other road widening improvements acceptable to the Department of Public Works. The primary driveway shall be limited to project vehicles of 50 feet in length unless the gate is relocated per B-1e.”; removing Condition No. 60 that read: “On-going condition of approval (valid for the life of the project), any new or existing gates constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic.”; changing subsequent Conditions to read 60 through 68; amending Condition No. 61.c. (formerly 62.c.) to replace the words “regardless of number of attendees.” with “with over 150 attendees.”; and by amending Condition No. 63 (formerly 64) to replace “5:00 p.m.” with “10:00 p.m.” Furthermore, the Board partially upholds the Appeal filed by Rick Quinn and RESOLUTION NO. 2013-24, a resolution partially upholding the Appeal and affirming the decision of the Planning Commission and conditionally approving the application of Rick Quinn for Conditional Use Permit DRC2004-00276, adopted as amended.

Motion by: Frank Mecham  
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, February 05, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder